



Standards of Conduct/Ethics



New Employee Orientation

Information Brief

Major Scott Manning

Counsel for the CMC



OVERVIEW



- **Basic Principles**
- **Gifts**
- **Non-Federal Entities**
- **Fundraising**
- **Use of Government Resources**
- **Travel**



Laws/Regulations



- **18 U.S.C. section 201 et seq. (Criminal)**
- **Executive Order 12764 (President)**
- **5 C.F.R. section 2635 (Office of Government Ethics)**
- **DoD 5500.7-R (Joint Ethics Regulation)**



GIFTS



Law

**The servants of the nation are to render
their services without any taking of presents.**

**The disobedient shall, if convicted,
die without ceremony.**

-- Plato



GIFTS



- **Same rules, with few exceptions, for all agencies in the Executive Branch.**
- **As decision-makers, we perform official duties that outside entities may want to unfairly influence.**
- **As public servants, we must not allow even the APPEARANCE of impropriety.**
- **Washington Post Test.**



GIFTS



- **General Rule:**
 - **Employees shall not solicit or accept a gift from:**
 - A prohibited source;
 - Offered because of the employee's official position or job performance;
 - Includes gift to parent, sibling, spouse, child, or dependent relative, and given because of that person's relationship to you;
 - Also, deemed to have accepted a gift if you designate a charity to which the gift is given;
- **Several Exceptions to the General Rule**
 - **Widely Attended Gathering**
 - **Under \$20**
 - **Available to all**



GIFTS



- **What to do with gifts**
 - **Perishable goods, share with office**
 - **If no exception applicable:**
 - **Refuse diplomatically**
 - **Pay fair market value and retain**
 - **Return to donor**



Non-Federal Entities



- **4 Basic Principles:**
 - No preferential treatment;
 - Don't misuse public office for private gain;
 - Government resources only for authorized purposes;
 - Avoid conflicts between personal interests (and imputed family interests) and your official duties.

- **Same principles apply to even "Good Marine Corps" organizations**
 - IMSSF, MCSF, T4TF, MCLEF

- **Avoid improper appearances**
 - 5.C.F.R. 2635 (if reasonable person with knowledge of relevant facts would question a federal employee's involvement in a matter)



Non-Federal Entities



- **Official Endorsements:**
 - Action taken, as part of your Government duties, to encourage others to support a non-Federal Entity.
 - Generally prohibited
 - Exceptions: Designated Military Relief Societies (NMCRS); CFC, Emergency and Disaster Appeals approved by OPM...



Non-Federal Entities



- **Logistical Support:**
 - **Several Criteria must be met:**
 - **2 VERY important:**
 - **The support serves DoD public affairs or military training needs;**
 - **Willing and able to provide the SAME SUPPORT to comparable events of other non-Federal entities.**
 - **Girl Scouts**
 - **Wiccans**
 - **Band**
 - **New legislation that provides more discretion for Band support.**



Fundraising



- **General Rule: You may not solicit or otherwise support fundraising in the Federal workplace.**
- **Such activity disrupts work, competes with authorized activities (CFC), invites abuse of positions by superiors, and tempts subordinates to contribute in order to curry favor with seniors or co-workers.**



Conflicting Interests



- **18 U.S.C.**
 - **Criminal Penalties**
 - **Section 208 – an employee may not participate personally and substantially as a Government officer or employee in any particular matter in which he, his spouse, or minor child. . . has a financial interest.**
 - **Interest may be direct or imputed**



Conflicting Interests



- **Misuse of Position**
 - Non-Public information
 - Personal Information
 - Future Government Action
 - Proprietary Business Information
 - Source Selection Information
- **Darleen Druyun**
 - Tanker Deal
 - Preferential treatment to Boeing
 - Plead guilty





Conflicting Interests



- **Solving Conflicts**
 - **OGE 450 / SF 278 to identify potential conflicts before they arise**
 - **PRIOR disqualification**
 - **Divest assets**
 - **Reassignment of duties**



Travel



- **Government Vehicle:**
 - **Official Purpose Only;**
 - **Essential DOD Function;**
 - **Use consistent with purpose for which vehicle was acquired**
- **Only for Official Purposes**
- **Spouses may *accompany* if space is available**
- **Generally may not ride from home-to-work**
 - **limited by statute**
 - **CMC mirror test**
- **As much as anything, *public trust* is the issue**



Travel



- **Willful Misuse of Vehicles**
 - **Summary Removal from Office.**
 - **May be disciplined under UCMJ (Military Personnel).**



Political Activity (Hatch Act)



- **YES**

- Register & vote
- Run for nonpartisan local office
- Contribute money
- Express opinion
- Campaign for a candidate
- Belong to a political party

- **NO**

- Political activity on duty
- Running for partisan public office
- Use official position to support a candidate
- Use gov't resources to run a campaign
- Receive contributions



Don't Say This To Me... Ever



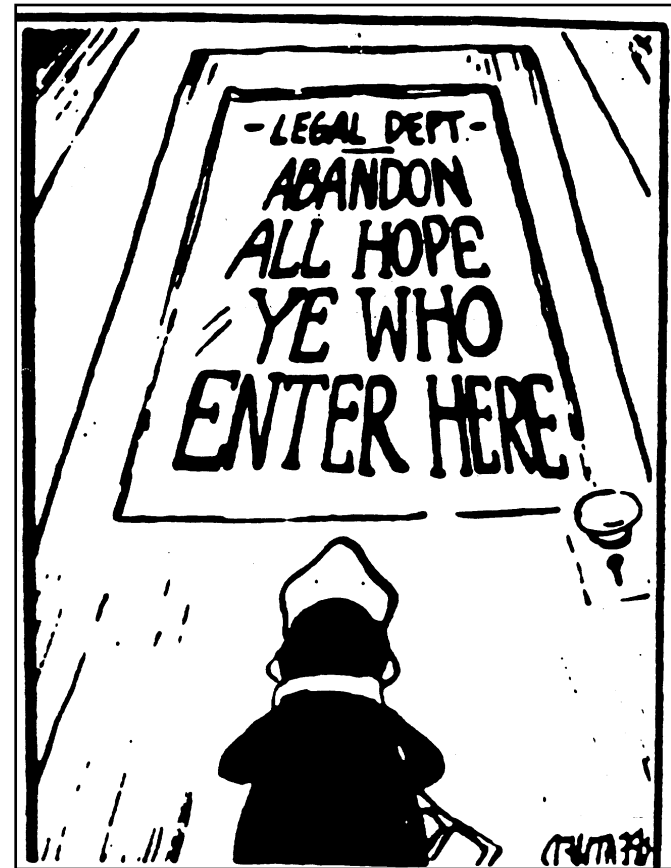
- **The other Services do it this way**
 - What's your point?
- **I didn't inhale**
- **We've done it this way forever**
 - Past practice does not guarantee future results
- **It depends on your definition of "is."**
 - Save the word games for the Sunday Times.
- **I figured someone would give us the money later**
 - "The lack of money is the root of all evil." - *Mark Twain*
- **The plane was going there anyway**
 - If you're not needed on the flight, you're probably not needed at the destination.
- **I only took one**



Conclusion



- **CYA: Consult with Command Counsel/SJA when questions arise.**
- **Counsel for the CMC (CL)**
 - Major Scott Manning
 - Captain Sid Velandy**703/ 614-2150**
- **SJA to CMC (JAR)**
 - LtCol Rich Grant
 - Mr. Mike Graham**703/614-2510**



Counsel for the CMC